

guinea pigs had a minimum lethal dose of more than 0.00045 cubic centimeter, namely, not less than 0.0015 cubic centimeter for each gram of body weight of guinea pig; whereas the pharmacopeia provides that tincture of aconite when administered subcutaneously to guinea pigs shall have a minimum lethal dose of not more than 0.00045 cubic centimeter for each gram of body weight of guinea pig; and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold. Adulteration of the aconite tablets was alleged for the reason that the strength and purity of the article fell below the professed standard and quality under which it was sold in that each tablet was represented to contain 2 minims of tincture of aconite U. S. P.; whereas each tablet contained less than 2 minims, namely, not more than 0.3 minim of tincture of aconite U. S. P. Misbranding of both products was alleged for the reason that the statements, "Tincture Aconite U. S. P. X" and "Tablet Triturates Aconite Tincture, U. S. P. 2 Minim in each Tablet", borne on the labels, were false and misleading.

On December 7, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

24100. Adulteration and misbranding of Oxy Indian Cough Syrup. U. S. v. O. H. D. Co., Inc., and Lacy R. Oxendine. Pleas of guilty. Fines, \$20. (F. & D. no. 33789. Sample no. 66180-A.)

This case was based on an interstate shipment of a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling and because it was falsely represented to be an Indian remedy. The article was also adulterated and further misbranded, since it contained smaller proportions of alcohol and chloroform than declared.

On January 7, 1935, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the O. H. D. Co., Inc., and Lacy R. Oxendine, of Wilmington, Del., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about November 13, 1933, from the State of Delaware into the State of New Jersey, of a quantity of Oxy Indian Cough Syrup which was adulterated and misbranded. The article was labeled in part: "Oxy [design of Indian head] Indian Cough Syrup * * * Each fluid ounce contains Alcohol 7½% Chloroform 5 M. * * * O. H. D. Company, Inc. Wilmington, Del."

Analysis showed that the article consisted of a concentrated solution of sugar in water and glycerin containing 1.43 percent of alcohol and 1.90 minims of chloroform per fluid ounce. It also contained menthol and what was indicated as horehound extract.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each fluid ounce was represented to contain 7½ percent of alcohol and 5 minims of chloroform; whereas each fluid ounce contained not more than 1.43 percent of alcohol and not more than 1.90 minims of chloroform.

Misbranding was alleged for the reason that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing on the bottle labels and cartons, falsely and fraudulently represented that it was effective to combat disorders of catarrhal and rheumatic conditions arising from exposure to cold; and effective as a treatment, remedy, and cure for coughs, bronchitis, sore throat, hoarseness, tonsilitis, and any condition arising from exposure to cold. Misbranding was alleged for the further reason that the statements, "Each Fluid Ounce contains Alcohol 7½%, Chloroform 5 m.", and "Indian Cough Syrup", borne on the carton and bottle labels, were false and misleading since the said statements represented that each fluid ounce of the article contained 7½ percent of alcohol and 5 minims of chloroform, and that the article was produced by the Indians; whereas each fluid ounce contained less than 7½ percent of alcohol, less than 5 minims of chloroform, and it contained ingredients unknown to the Indians. Misbranding was alleged for the further reason that the article contained alcohol and chloroform, and the label on the package failed to bear a statement of the quantity or proportion of alcohol and chloroform contained therein.

On January 8, 1935, the defendants entered pleas of guilty, and the court imposed fines in the total amount of \$20.

M. L. WILSON, *Acting Secretary of Agriculture.*